

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

CASE NO. S-2543

PETITION OF GAIL TRANSEAU

OPINION OF THE BOARD

(Public Hearing Date: December 6, 2002)

(Record Closed February 3, 2003)

(Effective Date of Opinion: June 26, 2003)

Case No. S-2543 is an application for a special exception pursuant to Section 59-G-2.49 (Riding Stable) of the Zoning Ordinance to permit the operation of a riding stable for eight horses. The petitioner proposes to: (1) operate daily between the hours of 7:00 a.m. and 9:00 p.m.; (2) board one horse; (3) provide lessons; and (4) lease the horses hourly to provide clients time to ride and care for the animals on the subject property.

Pursuant to the authority in Section 59-A-4.125 of the Montgomery County Code, the Board of Appeals referred the case to the Hearing Examiner for Montgomery County to conduct a public hearing on the application. The Hearing Examiner held a public hearing on December 6, 2002, and issued a written Report and Recommendation for approval of the special exception, dated March 19, 2003.

The subject property is Lot 13, Block A, Black Hills Estates Subdivision, located at 21112 Chrisman Hill Court, Boyds, Maryland, in the R-200 Zone

Decision of the Board: Special exception **granted** subject
to conditions enumerated below.

The Board of Appeals considered the Hearing Examiner's Report at its Worksession on April 2, 2003. The Board also had before it at that time a request for Oral Argument, dated March 27, 2003, from Ernst Harmse. Section 59-A-4.61(e) of the Montgomery County Zoning Ordinance provides that the "...Board...may in its discretion, grant or deny an oral argument request." After careful consideration, the Board finds that the public hearing on the application provided ample opportunity to address the issues in Mr. Harmse's request for oral argument, and that they are fully analyzed in the Hearing Examiner's Report

and Recommendation. The Board therefore, **denies** the request for oral argument and adopts the Hearing Examiner's Report and Recommendation to **grant** the special exception, subject to the following conditions:

1. Petitioner shall be bound by her testimony and exhibits of record, the testimony of her witnesses and representations of her attorney, to the extent that such evidence and representations are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.
2. Petitioner shall maintain the special exception in accordance with all applicable Federal State and County laws, rules and regulations.
3. Petitioner shall file an amended site plan within 90 days of the date the special exception is approved, showing the existing dimensions of the barn and its distance from all property lines.

On a motion by Louise L. Mayer, seconded by Angelo M. Caputo, with Donna L. Barron, Allison Ishihara Fultz and Donald H. Spence, Jr., Chairman in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
This 26th day of June, 2003.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.